

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**JANET HOPE KING,**

**Plaintiff,**

**v.**

**Civil Action No. 2:09cv140**

**WARDEN CROSS,**

**Defendant.**

**ORDER**

It will be recalled that on December 4, 2009, Magistrate Judge John S. Kaull filed a Report and Recommendation addressing the Plaintiff's Motion for Injunction, filed in the above-styled case. In the Report and Recommendation, Plaintiff was directed, in accordance with 28 U.S.C. § 636(b)(1), to file with the Clerk of Court any written objections within fourteen (14) days after being served with a copy of the Report and Recommendation. No objections to the Magistrate Judge's Report and Recommendation have been filed. Accordingly, the Court will proceed with consideration of the Report and Recommendation reviewing for clear error.<sup>1</sup>

Upon examination of the report from the Magistrate Judge, it appears to the Court that the issues raised by the Plaintiff's Motion for Injunction were thoroughly considered by Magistrate Judge Kaull in his Report and Recommendation. Moreover, the Court, upon a review for clear error, is of the opinion that the Report and Recommendation accurately reflects the law applicable to the facts and circumstances before the Court in this action. Therefore, it is

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<sup>1</sup>The failure of a party to object to a Report and Recommendation waives the party's right to appeal from a judgment of this Court based thereon and, additionally, relieves the Court of any obligation to conduct a *de novo* review of the issues presented. See Wells v. Shriners Hospital, 109 F.3d 198, 199-200 (4<sup>th</sup> Cir. 1997); Thomas v. Arn, 474 U.S. 140, 148-153 (1985).

**ORDERED** that Magistrate Judge Kaull's Report and Recommendation of December 4, 2009 be, and the same hereby is, accepted in whole. Accordingly, it is

**ORDERED** that Plaintiff's Motion for Injunction shall be, and the same hereby is,

**DENIED**. It is further

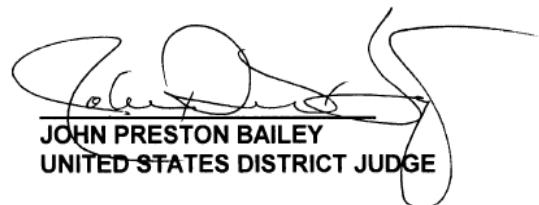
**ORDERED** that the above-styled action shall be **DISMISSED** and **STRICKEN** from the docket of this Court. It is further

**ORDERED** that the Clerk of Court shall enter judgment for the Defendants. It is further

**ORDERED** that the Clerk of Court shall send the Plaintiff a blank civil rights form on which she may, if she so chooses, clearly articulate any Bivens claims she may have and file a new civil suit. It is further

**ORDERED** that, if Plaintiff should desire to appeal the decision of this Court, written notice of appeal must be received by the Clerk of this Court within thirty (30) days from the date of the entry of the Judgment Order, pursuant to Rule 4 of the Federal Rules of Appellate Procedure. The \$5.00 filing fee for the notice of appeal and the \$450.00 docketing fee should also be submitted with the notice of appeal. In the alternative, at the time the notice of appeal is submitted, Plaintiff may, in accordance with the provisions of Rule 24(a) of the Federal Rules of Appellate Procedure, seek leave to proceed in forma pauperis from the United States Court of Appeals for the Fourth Circuit.

**ENTER:** March 15, 2010.



JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE